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EXAMINER

GISHNOCK, NIKOLAI A

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/644,081	Applicant(s) OKADA, KAZUO	
	Examiner Nikolai A. Gishnock	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/18/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to Applicant's remarks, filed 6/18/2008, claims 1-48 are pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 7-12, 27-29, 32-35, 38-40 & 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (GB 2,248,560 A), hereinafter known as Goode '560, in view of Walker (US 7,004,834 B2), hereinafter known as Walker.

5. Goode '560 teaches providing means for providing a point or prize to a player on receipt of a correct answer from the player (When the player has successfully selected the area or areas or answer, the player may progress to another portion of the same game, another game, or the like. A prize may be awarded, such as cash, credits, points, tickets, vouchers, or the like or indeed any prize, Page 2, Line 30 through Page 3, Line 4) with a difference detection game executed on a display provided to each of the user terminal devices (a spot-the-difference competition, Page 1, Lines 2-21) [Claims 1, 7, 11, 12, & 27-29].

6. Goode '560 teaches image switching means for switching and alternately displaying a reference image for reference and a difference image on the display to find differences (Incorporated in the machine will be the means to display images which may have been chosen randomly from a plurality of stored images. At least two images may be displayed, preferably simultaneously, these will be generally similar, but at least one image displayed will have been previously edited in such a way that it is made visually different in at least one respect from the corresponding image or images displayed, Page 1, Lines 11-21; It is understood that Goode '560 teaches a preferred embodiment where the images are displayed simultaneously, and another embodiment where the images are displayed non-simultaneously, or otherwise alternately) [Claims 1, 12, 27, & 29].

7. Goode '560 teaches player input identifying only differences between the reference image and the difference image during play of the difference detection game, the difference image being a modified version of the reference image with the differences to be found being of a type that are intended to be unanticipated by the player (The player selects the area or areas

where he believes the difference or differences in the image or images occur, page 4, paragraph 4; it is understood that the location of the differences are unanticipated by the player because he guesses them) [Claims 1, 12, 27, & 29].

8. Goode '560 teaches an image display means control instruction for simultaneously presenting at a terminal device, a reference image and a plurality of difference images for finding and entering a player input identifying only differences between the reference image and the difference images during play (means to display images chosen from a plurality of stored images, where at least two images are displayed, page 1, paragraph 2); wherein the communications interface allows the player to select one difference image out of the plurality of difference images (the player selects the area or areas, page 2, paragraph 6) [Claims 7, 11, & 28].

9. Goode '560 teaches image display means for simultaneously displaying a reference image for reference and a plurality of difference images on the display (at least two images are compared, Page 1, Lines 11-21) [7, 11, & 28].

10. Goode '560 teaches image selecting means for letting the player select one difference image out of the plurality of difference images for playing the difference detection game (for a player to respond, a player will use his skill in choosing the region or regions of the visual difference or differences preferably through the use of a display device equipped with a touch-sensitive screen, Page 2, Lines 1-8) [Claims 9-11].

11. Goode '560 teaches a correspondence data set for establishing a correspondence between each of the plurality of difference images and the point or prize (The player views at least two images wherein at least one of the images has been previously edited to differ from the corresponding image or images, Page 4, Lines 27-29) [Claim 11].

12. Goode '560 teaches corresponding image display means for displaying a corresponding image on the display by selecting the correspondence data set corresponding to any one of the plurality of difference images on receipt of the correct answer from the player (The computer determines the accuracy of the player's selection and a visual display may be produced on the display device by the computer and/or the data storage device in order to demonstrate the predetermined areas of difference on the images, Page 5, Lines 1-5) [Claim 11].

13. What Goode '560 fails to teach is a game server being capable of transmitting and receiving data to and from a plurality of user terminal devices via a communication line [Claims 1, 7, 11, 12, & 27-29]. However, Walker teaches a gaming device for playing a matching game, comprising a processor in communication with a data storage device, which may be located in a single computing device, connected by a remote communication link, such as a serial port cable, a telephone line, or a radio frequency transceiver, or a combination thereof. The gaming device may also comprise one or more computers connected to a remote server computer for maintaining databases (3:24-36). The game taught by Goode '560 would be implemented in the computing device described by Walker. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have implemented the game of Goode '560 in the game server taught by Walker, and to connect the game server to computing devices via a communications line, as taught by Walker, in order to accurately maintain databases of images, points, and prizes [Claims 1, 7, 11, 12, & 27-29].

14. What Goode '560 further fails to teach is reference image display means for displaying a reference image for reference on the display as an animated image; and difference image display means for displaying a difference image as an animated image; and image switching means for switching and alternately displaying the reference image and the difference image to find differences [Claims 12 & 29]. However, Goode '560 teaches where a series of still or

moving images may be displayed on the display device, inviting an entrant to play (Page 4, Lines 16-19). Also, Walker teaches a game server in which game elements are animated representations (13:56-62). The game of Goode '560 would use animated as well as still images. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use animated as well as still images for the reference and difference images in the game of Goode '560, as taught by Walker, etc., in order to make the game look more attractive to an entrant, and to make the game more difficult for a player to track the image elements that are in motion before they are concealed [Claims 12 & 29].

15. What Goode '560 further fails to explicitly teach is image switching means for switching and alternately displaying the reference image and the difference image to find differences [Claims 12 & 29]. However, Walker teaches where elements may be replaced by identical elements or different elements, in a game (14:24-45). The reference and difference images in the game of Goode '560 would be alternately replaced as described in Walker. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included image switching means as described by Walker, in the difference detection game of Goode '560, in order to provide an incentive for the player to continue playing, to get a preferred image displayed or a preferred prize enabled to be won [Claims 12 & 29].

16. Goode '560 teaches wherein the point providing means sets an obtainable number of points for each of the plurality of difference images (The machine may incorporate the means to display the number or otherwise inform the player of visual differences discernable in the images or sets of images displayed, Page 1, Lines 22-24) [Claim 8].

17. Goode '560 teaches wherein each of the plurality of difference images includes one difference from the reference image (at least one image displayed is made visually different in at

least one respect from the corresponding image or images displayed, Page 1, Lines 11-21)
[Claims 9 & 10].

18. Goode '560 teaches where the game is a portable terminal device (a gaming machine, page 1, paragraph 2) [Claims 32-42].

19. Goode '560 teaches setting difficulty stages (a timing device to limit the time player can view the images, page 1, paragraph 3; it is inherent that the timing must be specified; it is further understood that having less time to view the reference image before answering makes the game more difficult) [Claims 43-48].

20. Claims 2, 13, 16, 30, 36, & 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode '560, in view of Walker, as applied to claims 1, 7, 11, & 12 above, and further in view of Mirando (US 5,411,271 A), hereinafter known as Mirando.

21. Goode '560 and Walker teach all the features of claims 1, 7, 11, & 12, as demonstrated above. Goode '560 teaches wherein the image switching means has a function to switch and alternately display the reference image and the difference image on the display at the timing or in accordance with the interval set by the switching timing setting means (A timing device may be employed by the machine in order to limit or control the amount of time the player has to view the display, or choose the location of the visual difference or differences, Page 1, Lines 25-28) [Claims 2, 13, & 16].

22. What Goode '560 and Walker fail to teach is switching timing setting means for setting a timing or interval for switching and alternately displaying the reference image and the difference image on the display [Claims 2, 13, 16, & 30]. However, Mirando teaches an electronic video match game, having timing means for the sequence of play (See Figure 3A, Item 43), where the "Timer" parameter allows the operator to change the game time from 20 to 60 seconds in 5

second intervals (5:14-24). The game timer taught by Mirando is used to control the amount of time given to correctly match images and acquire points in the game (5:48-6:19). When the game ends {i. e., the time runs out}, tickets are awarded to a player based on the points acquired (6:20-27). The timing setting means taught by Mirando would be used to set the timing device used in the game of Goode '560, to limit or control the amount of time the player has to view the display of visual difference images. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to Have included the setting means of Mirando in the switching timing means of the game of Goode '560, in light of the teachings of Walker, in order to allow a game operator to customize the game settings in order to adjust the difficulty and payout of the computer game [Claims 2, 13, 16, & 30].

23. Goode '560 teaches answer data storing means for storing answer data showing an answer with a difference detection game executed on a display provided to each of the terminal devices (means for a player to select the area or areas where differences occur and means to determine the player's selection, Page 1, Lines 16-18; a data storage device which stores the programme of the game, Page 3, Lines 31-36; also, The computer may then display a on the screen a marker indicating the area or areas selected, Page 4, Lines 35-36); correct answer data storing means for storing correct answer data as a criterion to determine whether or not the answer data stored in the answer data storing means matches the correct answer data (the computer determines the accuracy of the player's selection, Page 5, Lines 1-5); and comparing means for comparing the answer data stored in the answer data storing means and the correct answer data stored in the correct answer data storing means (means to determine the relationship between the player's selection and the predetermined area or areas or nature of the observable differences, Page 3, Lines 19-22) [Claims 16 & 30].

24. Claims 3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode '560, in view of Walker and Mirando, as applied to claims 1 & 2 above, and further in view of Klingberg.

25. Goode '560 and Walker teach all the features of claims 1 & 2, as demonstrated above. What Goode '560 further fails to teach is player identification means for identifying the player to play the difference detection game [Claim 3]. However, Walker teaches the use of a player tracking card to identify a player or to indicate the presence of a player (17: 29-41). The player identification tracking taught by Walker would be incorporated into the game of Goode '560, to track a player's credit balance and cash-outs. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include player identification means for identifying the player to play the difference detection game, as taught by Walker, in the difference detection game of Goode '560, in light of the teachings of Mirando, in order to allow a player to receive points or prizes, such as a cash-out, in the form of a credit balance associated with the player [Claim 3].

26. What Goode '560, Walker, and Mirando fail to teach is play-number storing means for storing a play-number data indicating a number of times that the player plays the difference detection game, and number-comparing means for comparing a reference-number data as a criterion to determine whether or not the player identified by the player identification means has frequently played the difference detection game and the play-number data that has been stored in the play-number storing means, wherein the switching timing setting means sets the timing in accordance with a comparison result by the number-comparing means [Claim 3]. However, Klingberg teaches a computer game having an adaptive training feature, in which the computer evaluates the answer and then presents a subsequent task of a higher difficulty level, if one or more preceding tasks of the current level has been solved by the user. If a task is answered

incorrectly, the subsequent task will be of a lower level (all at 5:13-59). The game of Klingberg thus stores the number of times a task of the current level has been completed by a user, and adjusts the subsequent difficulty of the next task in accordance. This adaptive training taught by Klingberg would be used to set the switching timing of the game of Goode '560, such as by a timer parameter taught by Mirando, in light of the player identification tracking of Walker, in order to make the user motivated by keeping the tasks neither too difficult nor too simple. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate play-number storing means for storing a play-number data indicating a number of times that the player plays the difference detection game, and number-comparing means for comparing a reference-number data as a criterion to determine whether or not the player identified by the player identification means has frequently played the difference detection game and the play-number data that has been stored in the play-number storing means, wherein the switching timing setting means sets the timing in accordance with a comparison result by the number-comparing means, as taught by Klingberg, into the difference detection game server of Goode '560, in light of the teachings of Walker and Mirando, in order 67to keep a user of the game from getting too bored [Claim 3].

27. What Goode '560 fails to teach is hint image display control means for displaying a hint image to assist the player to find a correct answer on the display in accordance with the comparison result by the number-comparing means or the numerical value comparing means [Claim 5]. However, Walker teaches where a player may select a "Clue" symbol, to assist a player by highlighting losing symbol combinations. The symbols are highlighted based on one or more of the remaining symbols and the current jackpot (15:28-41), that may depend on the status of the game and/or payment of a fee (8:33-37). Thus, the hint is understood to be in accordance with the number comparing and numerical value comparing means. The "clue"

selection of Walker would be used in the game taught by Goode '560 to highlight a difference while still allowing the possibility of making an incorrect selection. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include the hint image display control means for displaying a hint image to assist the player to find a correct answer on the display in accordance with the comparison result by the number-comparing means or the numerical value comparing means taught by Walker in the difference detection image game server of Goode '560, in light of the teachings of Mirando and Klingberg, in order to convince players to play the game for a longer period of time by giving them some control over game elements [Claim 5].

28. Claims 4 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode '560, in view of Walker and Mirando, as applied to claims 1 & 2 above, and further in view of Baerlocher (US 6,749,502 B2), hereinafter known as Baerlocher.

29. Goode '560 and Walker teach all the features of claims 1 & 2, as demonstrated above. What Goode '560 further fails to teach is player identification means for identifying the player to play the difference detection game [Claim 4]. However, Walker teaches the use of a player tracking card to identify a player or to indicate the presence of a player (17: 29-41). The player identification tracking taught by Walker would be incorporated into the game of Goode '560, to track a player's credit balance and cash-outs. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include player identification means for identifying the player to play the difference detection game, as taught by Walker, in the difference detection game of Goode '560, in light of the teachings of Mirando, in order to allow a player to receive points or prizes, such as a cash-out, in the form of a credit balance associated with the player [Claim 4].

30. What Goode '560 further fails to teach is winning-number storing means for storing a numerical value data of acquired points or prizes for winning with the difference detection game played by the player; and numerical value comparing means for comparing a reference numerical value data as a criterion to determine whether or not the player identified by the player identification means has won a large number of points or prizes with the difference detection game and the numerical value data stored in the winning-number storing means [Claim 4]. However, Walker teaches where a player identification device tracks a player's credit balance, and identifies whether the player has won a large number of points or prizes playing the game (If the player presses a "Cashout" button, a message may flash on the screen: "Are you sure you want to cash out? This will clear the grid!", 17:18-41), by comparing a reference numerical value as a criterion (i.e., such as where the player's credit balance equals zero, 17:18-41). The player's credit balance would be stored in the game machine and used as a comparison as to when to initialize the machine, such as when a player cashes out. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include winning-number storing means and numerical value comparing means, as taught by Walker, in the difference image detection game server of Goode '560, in light of the teachings of Mirando, in order to initialize the game after the machine has been vacated by another player, in order to prevent players from perceiving that such a game is in a "good" state, or in a more ideal state to play than a similar machine, so that all such machines will be used evenly [Claim 4].

31. What Goode '560, Walker, and Mirando fail to teach is wherein the switching timing setting means sets the timing in accordance with a comparison result by the numerical value comparing means [Claim 4]. However, Baerlocher teaches an images matching gaming device in which the game counts the number of matches and provides the player an award such as credits based on the number of matches or a value associated with the matches, and where the

game continues as long as the player continues to make matches; however, the game terminates if the player is unable to make a match (6:24-41). The game tracks and displays the number of matches made (8:3-12). The game display is understood to set the timing in the sense that making more successful matches prolongs the game and increases the prize amount. The timing setting means taught by Mirando would set the timing means of the game of Goode '560 in accordance with the determination that a player, identified by the player identification taught by Walker, has won a large number of prizes, as indicated by the number of successful matches stored in a match value, as taught by Bearlocher. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to set the timing in accordance with a comparison result by the numerical value comparing means, as taught by Baerlocher, in the difference image detection game taught by Goode '560, in light of the teachings of Walker and Mirando, in order to provide a player more enjoyment and entertainment from the gaming device, by adjusting the difficulty by retiming the game in response to the number of points or prizes a player has previously won [Claim 4].

32. What Goode '560 further fails to teach is hint image display control means for displaying a hint image to assist the player to find a correct answer on the display in accordance with the comparison result by the number-comparing means or the numerical value comparing means [Claim 6]. However, Walker teaches where a player may select a "Clue" symbol, to assist a player by highlighting losing symbol combinations. The symbols are highlighted based on one or more of the remaining symbols and the current jackpot (15:28-41), that may depend on the status of the game and/or payment of a fee (8:33-37). Thus, the hint is understood to be in accordance with the number comparing and numerical value comparing means. The "clue" selection of Walker would be used in the game taught by Goode '560 to highlight a difference while still allowing the possibility of making an incorrect selection. Therefore, it would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to include the hint image display control means for displaying a hint image to assist the player to find a correct answer on the display in accordance with the comparison result by the number-comparing means or the numerical value comparing means taught by Walker in the difference detection image game server of Goode '560, in order to convince players to play the game for a longer period of time by giving them some control over game elements [Claim 6].

33. Claims 14, 15, 44, & 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode '560, in view of Walker and Mirando, as applied to claims 12 & 13 above, and further in view of Leyva et al. (US 6,663,392 B2), hereinafter known as Leyva.

34. Goode '560, Walker and Mirando teach all the features of claims 12 & 13, as demonstrated above. What Goode '560, Walker, and Mirando fail to teach is a cumulative number-comparing storing means for cumulatively storing a number of times that the reference image and the difference image are alternatively displayed on the display by the image switching means; and corresponding image display means for displaying a corresponding image on the display by selecting one data set from the plurality of correspondence data sets corresponding to the difference images based on the number of times stored in the cumulative number-comparing storing means on receipt of the correct answer from the player [Claims 14 & 15]. However, Leyva teaches a computer game in which a subject is sequentially presented with pluralities of images and asked to remember the images, and where the process of displaying images and asking the subject to remember the images is repeated $n-1$ times, where n is stored as a matrix (2:31-54). The subject is then presented with an n th image, and is asked to select the analogous image from a final plurality of images (2:55-61). The test is then scored, and the software adjusts the presentation of the subsequent plurality of images based upon the results

of previous portions of the test (3:33-43). Thus, Leyva teaches storing the number of times images in the game are alternatively displayed {as n }, and selecting a subsequent corresponding image data set {the final plurality of selection images} based on n . The number comparing means as suggested by Leyva would be used to count the number of times the game of Goode '560 presents an image to a user and asks him/her to remember it. The final image set would be selected based on the number of images the user previously attempted to remember. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include a cumulative number-comparing storing means for cumulatively storing a number of times that the reference image and the difference image are alternatively displayed on the display by the image switching means; and corresponding image display means for displaying a corresponding image on the display by selecting one data set from the plurality of correspondence data sets corresponding to the difference images based on the number of times stored in the cumulative number-comparing storing means on receipt of the correct answer from the player, as taught by Leyva, in the difference image detection game of Goode '560, in light of the teachings of Walker and Mirando, in order to require a subject to recall order of selection of the items, for adding an additional measurement of memory which would make the game both more difficult and more interesting for the user [Claims 14 & 15].

35. Claims 17-26, 31, 37, 42, & 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode '560, in view of Walker and Mirando, as applied to claim 16 above, and further in view of Egan et al. (GB 2,231,189 A), hereinafter known as Egan, and further in view of McArthur (GB 2,229,371 A), hereinafter known as McArthur.

36. Goode '560, Walker, and Mirando teach all the features of claim as demonstrated above. What Goode '560, Walker, and Mirando fail to teach is play history storing means for

storing play history data with a different game than the difference detection game being provided on a display provided to each of the user terminal devices, the different game having been executed on the display before the difference detection game [Claims 23 & 31]. However, Egan teaches a spot-the-ball arcade console game having another distinct game incorporated in the machine, such as a "fruit machine" or other similar game may be played initially and where credits or points scored during the other game may be utilized to activate the spot-the-ball game (Page 7, Line 27 through Page 8, Line 5). The "fruit machine" or similar game taught by Egan would be played on the same console to activate the difference detection game of Goode '560, in light of the teachings of Walker and Mirando, in order to provide additional amusing features of the console. What Goode '560, Walker, Mirando, and Egan fail to explicitly teach is where reference image display means for displaying a replay image of the different game as a reference image of the difference detection game based on the play history data stored in the play history storing means on the display, and difference image creating means for creating a difference image of the difference detection game based on the play history data stored in the play history storing means, the difference image being different from the replay image; and image display means for displaying the difference image created by the difference image creating means on the display [Claims 23 & 31]. However, McArthur teaches a spot-the-ball arcade console game, explicitly teaching the stored display of a replay image, indicating the difference in the reference image that was not earlier displayed (Page 5, Line 31 through Page 6, Line 5). McArthur further teaches a video mixer, which randomly selects game images from storage disk in the game machine, and generates an image difference by causing the image of the ball to be removed from the final frame (Page 4, Line 27 through Page 5, The "fruit machine" or similar game of Egan, having been previously played on the console game of Goode '560, would provide reference and difference images, which would then be replayed as in the

teachings of McArthur, for providing additional, personalized reference images in the game of Goode '560, in light of the teachings of Mirando, in order to provide additional amusement to the game player. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate play history storing means for storing play history data with a different game than the difference detection game being provided on a display provided to each of the user terminal devices, the different game having been executed on the display before the difference detection game, as taught by Egan, and displaying a replay image of the different game as a reference image of the difference detection game based on the play history data, and difference image creating means for creating a difference image of the difference detection game based on the play history data stored in the play history storing means, the difference image being different from the replay image; and image display means for displaying the difference image created by the difference image creating means on the display, as taught by McArthur, in the difference image detection console game of Goode '560, in light of the teachings of Walker and Mirando, in order to provide fresh, familiar reference images for use in the difference detection game, in order to keep a player occupied and further amused by the game for a longer time [Claims 23 & 31].

37. Goode '560 teaches answer data storing means for storing answer data showing an answer with a difference detection game executed on a display provided to each of the terminal devices (means for a player to select the area or areas where differences occur and means to determine the player's selection, Page 1, Lines 16-18; a data storage device which stores the program of the game, Page 3, Lines 31-36; also, The computer may then display a on the screen a marker indicating the area or areas selected, Page 4, Lines 35-36); correct answer data storing means for storing correct answer data as a criterion to determine whether or not the answer data stored in the answer data storing means matches the correct answer data (the

computer determines the accuracy of the player's selection, Page 5, Lines 1-5); and comparing means for comparing the answer data stored in the answer data storing means and the correct answer data stored in the correct answer data storing means (means to determine the relationship between the player's selection and the predetermined area or areas or nature of the observable differences, Page 3, Lines 19-22) [Claims 23 & 31].

38. Walker teaches data providing means for providing data for the plurality of terminal devices via a communication line (each of the gaming devices is in communication with a network server, 4:54-65; gaming devices include a data storage for game program elements, 4:14-29, see also Figure 1, Item 14; communication lines, 5:13-26); reference image data storing means for storing reference image data to display the reference image for reference on the display provided to each of the terminal devices and difference image data storing means for storing difference image data to display the difference image on the display (selected elements may be replaced by identical elements or different elements in a image matching game, and the replacement symbols may be displayed to the player as incentive to continue playing, 14:24-45; also, the display may comprise an image or picture, chosen by the casino or provided by a player, 20:32-45), and wherein the data providing means provides the reference and difference image data for the terminal devices before executing the game on the display of each of the terminal devices (the set of possible elements may be initialized according to player's choice. For example, at the start of each game, a player might choose whether he would like to keep selecting from the grid of the last game, or whether he would like to select from an initialized grid, 16:32-43) [Claims 17, 25, & 26].

39. What Goode '560, Walker, and Mirando further fail to teach is an image display control means for displaying the reference image or the difference image, in an enlarged manner or a reduced manner in response to an image enlarging request or an image reducing request from

each of the terminal devices on the display [Claims 18 & 19], and number-of-times-of-enlargement storing means for storing a number of times that the image display control means displays the reference image or the difference image in an enlarged manner; and where correspondence data sets corresponding to the difference images are selected according to the number of times of displaying in an enlarged manner stored in the number-of-times-of-enlargement storing means on determination that the answer data is correct as a comparison result by the comparing means [Claims 20-22]. However, McArthur teaches a spot-the-ball game having means for enlarging the display of a spot-the-ball image, with the image centered on the ball position, and where a scoring grid is superimposed on the enlarged display (Page 2, Lines 25-30). The game image of Goode '560 would be displayed in an enlarged fashion as taught by McArthur, for more accurate determination of the player's degree of success. It is understood that the scoring grid stores the number of times the image was enlarged, which would be scored as magnification on the grid. McArthur further teaches that the player prize amount is dependent upon the accuracy of the player's deductions about the ball position, displayed as "direct hits" and "near misses", indicated by marks on the scoring grid or series of concentric circles (Page 2, Line 31 through Page 3, Line 1). McArthur thus teaches that the correspondence data sets {e.g. the next reference or difference images displayed} are selected based upon the number of times of enlargement and the determination of answer correctness, because the final display image is of the reference image, plus the location of the ball {the difference image}, plus the scoring grid {showing the number of times the image was enlarged}, and plus the indication of correctness {the prize awarded}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included an image display control means for displaying the reference image or the difference image, in an enlarged manner or a reduced manner in response to an image enlarging request or an

image reducing request from each of the terminal devices on the display, and number-of-times-of-enlargement storing means for storing a number of times that the image display control means displays the reference image or the difference image in an enlarged manner; and where correspondence data sets corresponding to the difference images are selected according to the number of times of displaying in an enlarged manner stored in the number-of-times-of-enlargement storing means on determination that the answer data is correct as a comparison result by the comparing means, as taught by McArthur, in the difference detection game of Goode '560, in light of the teachings of Walker, Mirando, and Egan, in order to display a more accurate indication of the player's degree of success, in order to cause an element of skill to function as a prize determination modifier, which adds to the amusement provided to a player of the game machine [Claims 18-22].

Response to Arguments

40. Applicant's arguments filed 6/18/2008, see pages 27-30, have been fully considered but they are not persuasive.

41. Applicant states that neither Goode '560 nor Walker teach where a player is allowed to select one of a plurality of images for playing the difference detection game. However, Goode '560 does teach where a player selects areas of images during play (at page 2, 6th paragraph). It is understood that selecting a portion of a difference image, and likewise selecting a location on the difference image, are both selecting one of a plurality of images in the sense that each visual difference is an image. Goode '560 also teaches where the number of visual differences discernable in the sets of difference images is conveyed to the player (at page 1, paragraph 3).

It is thus understood that the player selects a plurality of visual difference images during the game play taught by Goode '560.

42. Applicant further states that neither Goode '560 nor Walker teach where the differences are meant to be unanticipated by the player. However, Goode '560 teaches that a player will use their skill in choosing the regions of the visual differences (at page 2, paragraph 1). Goode '560 further teaches where the player selects the areas where they believe the differences in the images occur (at page 4, paragraph 4). It is understood that the locations of the differences are unanticipated by the player because skill or guesswork must be employed to locate them. Further, it is unclear where there is a clear written description of this limitation in Applicant's Specification, as it would seem that a player of the game of Applicant's invention would anticipate there to be differences, as it is the known object of the game to locate them.

43. Applicant's further amendments to the claims have been thoroughly considered but do not appear to alter the scope of the claims. Thus, the previous grounds of rejection in light of the remainder of the claims are sustained.

44. Applicant further states that neither McArthur nor Egan teach using historic images from one game as images in another game. However, McArthur teaches displaying a replay image to a player, where the replay indicates the location of the difference image during the scoring phase (page 5, line 31 through page 6, line 5). It is understood that the player would see those differences during a game phase to compare their response with the correct location. Further, because McArthur stores and reuses game images from disk, it is further inherent that the stored game images on the disk taught by McArthur would be also used in future games. Thus, it is understood that McArthur teaches where images from one game are used in another game.

Conclusion

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is (571)272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9/28/2008
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